

National Report on Recent Developments in Environmental Law – France

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Overview

Since at least 2022 (see our response to Question 1 of the questionnaire on “Instruments of Climate Mitigation and Energy Transition”), French environmental law has entered a phase of accelerated decline in the level of environmental protection at the legislative and regulatory levels. Far from slowing down, this alarming trend intensified to an unprecedented degree during 2025 and in the first months of 2026. A sort of climax seems to have been reached—at least for now—with the recent agricultural laws, which have led to numerous rollbacks of environmental protection standards accused by pro-productivity agricultural unions of being responsible for the crisis facing the sector: Agricultural Framework Law No. 2025-268 of March 24, 2025, and Law No. 2025-794 of August 11, 2025, aimed at removing constraints on the practice of farming.

One area illustrates this point in an almost caricatured way: the protection of wildlife. The relevant provisions of the Environmental Code were amended no fewer than three times in 2025. Thus, the Agricultural Policy Act of March 24, 2025, aims to punish violations involving protected species committed by individuals—provided they were not committed “intentionally” or “through gross negligence”—with nothing more than simple fines¹. Law No. 2025-391 of April 30, 2025, on alignment with European Union law, aims to exempt projects that do not pose a “sufficiently established” risk of destruction or disturbance to protected species from the requirement to apply for a species protection derogation². Finally, the Act of August 11, 2025, aimed at removing constraints on the practice of farming, facilitates the granting of derogations from species protection for water storage structures for agricultural purposes that meet certain criteria, on the presumption that they serve an overriding reason of major public interest³.

In early 2026, the regulatory protection status of the wolf was specifically relaxed. A joint decree by the Ministers of Ecological Transition and Agriculture, dated February 23, 2026, aims to define the wolf’s new protection status and establish the conditions and limits for its culling. This means, first of all, that the wolf is no longer included in Article 2 of the decree of April 23, 2007, establishing the list of protected terrestrial mammals and the terms of their protection; it now has a “tailored” status.

Compared to previous regulations, this decree of February 23, 2026, further relaxes the conditions for killing wolves, notably by shifting from a permit system to a simple reporting requirement for defensive shootings carried out by livestock farmers. The implementation of herd protection measures is no longer a prerequisite.

Mirroring these “relaxations” of environmental standards, a few rare, and often modest, advances can be noted, such as the recognition of hedgerows as a legal object as such within

¹ Article L. 415-3 1° of the Environmental Code.

² Article L. 411-2-1 of the Environmental Code.

³ Article L. 411-2-2 of the Environmental Code.

the Environmental Code. The Framework Law on Agriculture creates a new section titled “The Protection and Sustainable Management of Hedgerows” (Articles L. 412-21 et seq.).

In this context, national courts are, understandably, increasingly called upon to act, particularly in a “safeguard” role. Thus, the Constitutional Council—which has jurisdiction to assess the constitutionality of laws—has ruled against, on the grounds that it deprived the right to live in a balanced and health-respecting environment—guaranteed by Article 1 of the Constitutional Charter on the Environment—of legal safeguards, the exceptional reintroduction of neonicotinoid insecticides under the conditions provided for by the law aimed at removing constraints on the practice of farming⁴.

It should also be noted that, for the first time, at the end of 2025, the Court of Cassation—the highest court in the French judicial order—agreed to interpret certain provisions of the Civil Code relating to contract law (between private individuals) in light of Articles 1 (the right to live in a balanced and health-respecting environment) and 2 (the duty to participate in environmental preservation) of the Environmental Charter⁵.

Climate change litigation

The year 2025 saw the conclusion of the first climate change lawsuit in France. As of 2020, the Council of State, France’s highest court in the administrative order, had agreed to review France’s “climate trajectory” in a lawsuit brought by the municipality of Grande-Synthe⁶. Finding that France was not on track to meet its targets, the administrative judge had ordered the government to take additional measures to ensure that the pace of greenhouse gas emissions reductions aligns with the reduction trajectory adopted by the State. It was the ability of the additional measures taken by the government to ensure the enforcement of two previous rulings in this case (dating from 2021 and 2023) that was challenged here by the plaintiff NGOs (Notre affaire à tous, Oxfam France, and Greenpeace France). In a ruling dated October 24, 2025 (No. 467982), the Council of State states: “Since, as of the date of this decision, sufficiently credible and substantiated evidence allows us to consider the trajectory toward achieving [the goal of reducing greenhouse gas emissions by 2030] as having been met, the decisions of the Council of State ruling on the dispute on July 1, 2021, and May 10, 2023, must be regarded as fully implemented.”

One might object that Regulation (EU) 2023/857 of April 19, 2023 sets more stringent national targets for each Member State, and that the greenhouse gas emission reduction target assigned to France, which was 37% for the period 2005–2030 (under Regulation (EU) 2018/842 of May 30, 2018), has now been raised to 47.5% for that same period. However, the Council of State notes that “the new European target and its national implementations cannot be considered

⁴ Cons. const., 7th August 2025, *Loi visant à lever les contraintes à l'exercice du métier d'agriculteur*, n° 2025-891 DC.

⁵ C. Cass., Civ. 1^{ère}, 24th September 2025, n° 23-23.869 B.

⁶ CE, 19th November 2020, n° 427301, *Cne de Grande-Synthe* ; CE, 1st July 2021, n° 427301, *Cne de Grande-Synthe* ; CE, 10th May 2023, n° 467982, *Cne de Grande-Synthe et a.*

applicable to the present dispute regarding the enforcement of the decisions of July 1, 2021, and May 10, 2023”.

Consequently, the possibility remains open (and quite likely) of another legal challenge before the administrative court regarding compliance with France’s new climate trajectory, as established within the framework of the European Union.